

Application No. 09/898,568  
Amendment dated August 25, 2005  
Response to Office Action of March 25, 2005

Atty. Docket No. 042390.P11139  
Examiner Vu, Tuan A.  
TC/A.U. 2193

## Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Two new claims 23-24 have been added. Thus, claims 1-24 are pending.

The Examiner is thanked for the obvious attention given to the present matter.

Regarding the continued objection to claims 2, 8, 16, 21, Applicant thanks the Examiner for further clarification on how the objected language may be interpreted. To clarify claim intent, these claims have been amended to recite a separate operation of "providing a determination by the application program installer indicating whether said applying the updates was a successful installation of the update to the network resources of the customer on the first server." The objected clauses have were amended to recite "determining the application program installer incorrectly identified the a successful installation of the update." This should resolve the issues.

## 35 USC §103

Claims 1-22 stand rejected as being obvious over Basani (U.S. Patent No. 6,748,447) in view of Mathur (U.S. Patent No. 5,008,814) and Araujo (U.S. Publication No. 2001/0047406).

The Office continues to reply on Basani as teaching the recited *application program installer*, e.g., a conventional application program installer such as the Microsoft Windows Software Installer (MSI) Application or equivalent software (see original Abstract or Specification page 5 line 23). Applicant disagrees. As also argued in

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more detail in Applicant's previous response, Applicant submits the portions of Basani relied on by the Office appears to teach a proprietary environment for "distribution of data files or portions of files, applications, or other data objects" with a proprietary "content-management front-end" providing "controls for triggering distribution of digitized data content to selected groups of a large number of remote computer servers" (see Basani Abstract and col. 21 lines 39-52 relied on by the Office). It is submitted such distribution of digitized data is not equivalent to the recited *application program installer* "to apply the update to the network resources of the customer."

In order to clarify inventive intent and (it is hoped) to expeditiously conclude prosecution, the independent claims have been amended to recite "utilizing a multi-purpose application program installer to apply the update to the network resources of the customer on the first server." This amendment should make it clear the claims are intended to require use of a multi-purpose application program installer such as MSI or the like, where this multi-purpose is repurposed to apply updates as recited.

It is submitted that such use of a multi-purpose *application program installer* is not taught or suggested by the documents relied on by the Office. In particular, due to the failure of Basani to teach or suggest use of the recited multi-purpose *application program installer* as recited, for at least this reason alone, the suggested combination of references fails to teach or suggest all elements of claim 1 as is required to maintain the rejections.

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Regarding independent claims 7, 13, and 20, they also recite the multi-purpose *application program installer*, hence they are believed allowable for at least the same reasons as discussed above.

Regarding application of Mather and Araujo to the claims, they are not cited as curing the deficiencies of Basani, nor does a cursory review of these references appear to overcome Basani's limitations discussed above. Thus, it unnecessary to substantively address rejection portions based on Mather and Araujo at this time since the suggested combination of references already fails as discussed above.

Regarding the rejection of dependent claims 2-6, 8-12, 14-19 and 21-22, the substance of these rejections is not being addressed at this time in order to focus examination on the allowability of the independent claims 1, 7, 13, and 20. It is respectfully submitted that dependent claims 2-6, 8-12, 14-19 and 21-22, while introducing further limitations distinguishing over the cited documents relied on by the Office, these claims are also allowable for at least the reason as depending from allowable base claims.

Regarding new claims 23 and 24, these are proposed variations of claims 1 and 2, but where the restoring the starting configuration is recited to be directly responsive to at least the determining the application program installer incorrectly identified the successful installation. Applicant believes these new claims are not taught or suggested by the documents relied on by the Office.

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Conclusion

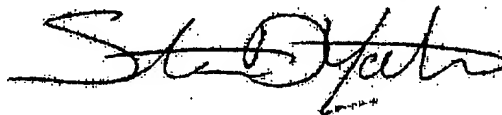
For at least the foregoing reasons, Applicants submit the rejections have been overcome and claims 1-22 are therefore in condition for allowance; such action is earnestly solicited.

If the foregoing is not persuasive, the Examiner is respectfully requested to contact the undersigned by telephone before issuing a first action to discuss how to best further examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

Date: August 25, 2005



Steven D. Yates  
Patent Attorney  
Intel Corporation  
Registration No. 42,242  
(503) 264-6589

c/o Blakely, Sokoloff, Taylor & Zafman, LLP  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026

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Rachael Brown

Date

8/25/05